

OCT 30 2006

Express Mail Label:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): . BAZAN, Fernando J.

Group Art Unit: 1649

Application No.: 09/963,347

Examiner: Olga Chernyshev

Filed: 09/25/2001

Attorney Docket No. : DX0903K1US

For: Mammalian Cytokines; Related
Reagents and Methods

X

INFORMATION DISCLOSURE STATEMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: RCE

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56, it is requested that the documents listed on the accompanying Forms PTO/SB.08a and 08b be considered and made record in the above-identified patent application. Other than cited U.S. patents and published patent applications, copy(ies) of these documents ☒ are enclosed ☐ were filed in related U.S. Application No(s) _____ filed _____, respectively. Since the Examiner is believed to have ready access to the cited U.S. patents and published patent applications, copies of these documents are not herewith transmitted, but will be provided upon request.

(b) No fee is believed due because:

- ☐ This Information Disclosure Statement is being submitted concurrently with the filing of the above-identified application; or
- ☐ This Information Disclosure Statement is being submitted within three (3) months of the filing date of the above-identified application; or
- ☒ This Information Disclosure Statement is being submitted concurrently with a Request for Continued Examination (RCE), or
- ☐ This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action on the merits.

(c) ☐ This Information Disclosure Statement is being submitted before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

70496_1.DOC

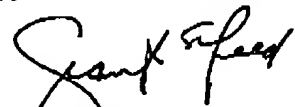
Serial No. 09/963,347
October 30, 2006
Page 2 of 2

- ☐ The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.
- (d) ☐ This Information Disclosure Statement is being submitted on or before the payment of the issue fee; and
- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and
- ☐ The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-0365.

Dated: October 30, 2006
SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, NJ 07033-0530
Facsimile No.: (908) 298-5388

Respectfully submitted,
SCHERING-PLOUGH CORPORATION

By:


Name: Grant E. Reed
Reg. No.: 44,264
Attorney of Record
Telephone No.: (908) 298-5067

70496_1.DOC

Express Mail Label:

PTO/SB/08 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it contains a valid OMB control number.

Complete if Known

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/963,347
Filing Date	September 25, 2001
First Named Inventor	Bazan, J. Fernando
Art Unit	1649
Examiner Name	Chernyshev, Olga
Attorney Docket Number	DX0903K1US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number/Kind Code ^{2,3} (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 2004/0091970 A1	05-13-2004	Bazan et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Number Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		International Search Report for application no. PCT/US99/20871 (6 pages).	
		Pending Claims for U.S. Patent Application Serial No. 10/601,105 (published as US 2004/0091970 A1); Bazan, et al., "Mammalian Cytokines; Related Reagents and Methods" (1 page).	
		XP-002131157, "ak28a11.s1 Soares_testis_NHT Homo sapiens cDNA clone IMAGE: 1407260 3', mRNA sequence," AA889581.1, "displaying '06-APR-1998 (Rel. 55, Created)" and "06-JAN-1999 (Rel. 58, Last updated Version 2)" (2 pages).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

70504

PAGE 16/27 * RCVD AT 10/30/2006 1:26:26 PM [Eastern Standard Time] * SVR:USPTO-EF XRF-3/18 * DNIS:2738300 * CSID:908 298 5405 * DURATION (mm:ss):07:56

BEST AVAILABLE COPY